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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|--------------------|
| 09/942,052 | 08/28/2001 | Arthur B. Raitano | 511582002800 | 6518 |
| 36327 | 7590 | 06/17/2004 | EXAMINER | |
| AGENSYS C/O MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE, SUITE 500 SAN DIEGO, CA 92130 | | | | BLANCHARD, DAVID J |
| ART UNIT | | PAPER NUMBER | | |
| | | 1642 | | |

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
| 09/942,052 | 8/28/2001 | Raitano et al | 511582002800 |
| EXAMINER | | | |
| David Blanchard | | | |
| ART UNIT | PAPER | | |
| 1642 | 20040614 | | |

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Commissioner for Patents

The amendment filed on 5/21/2004 cancelling all claims drawn to the elected invention (i.e., claims 4-6, 14-21 and 23-24) and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly added claims 73-87 are drawn to patentably distinct inventions as set forth in the restriction requirement mailed 12/12/2003 (see the inventions of Groups XVI and XVII). Originally, Applicant provisionally elected with traverse the Invention of Group IV (claims 4-6, 14-21 and 23-24) on 12/3/2003 and confirmed the election of Group IV with traverse in the paper filed 5/21/2004. The originally elected Invention of Group IV is drawn to a composition comprising an antibody that binds a 85P1B3-related protein and modulates the status of 85P1B3, and a hybridoma that produces said antibody.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard whose telephone number is (571) 272-0827. The examiner can normally be reached at Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (571) 272-0841. The official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

LARRY R. HELMS, PH.D.
PRIMARY EXAMINER

Respectfully,
David J. Blanchard
571-272-0827